

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33782

ENTERGY ARKANSAS AND ENTERGY RAIL—CONSTRUCTION AND
OPERATION EXEMPTION—WHITE BLUFF TO PINE BLUFF, AR

Decided: June 29, 2000

By decision served May 4, 2000, we conditionally granted the petition filed by Entergy Arkansas, Inc. (EAI) and Entergy Rail for an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 for Entergy Rail to construct and operate a rail line approximately 8.6 miles in length between EAI's White Bluff, AR electric generating plant and a line of railroad near Pine Bluff, AR, formerly owned by the Southern Pacific Transportation Company (SP). We conditioned our exemption on the completion of our environmental review of the proposal and issuance of a further decision addressing the environmental issues. Our environmental review of the construction project remains pending.

On May 11, 2000, Arkansas Electric Cooperative Corporation (AEC) petitioned to intervene in this proceeding. AEC indicates that, as 35% owner of EAI's White Bluff facility, it has a substantial interest in the plant's operation. It wants to become a party to this proceeding to protect its own interests should Entergy elect to delay or forgo construction after Board approval.

Under 49 CFR 1112.4, a request to intervene in a proceeding may be granted if: (1) the schedule for filing verified statements will not be unduly disrupted; and (2) the issues raised in the proceeding would not be unduly broadened. Because we have already granted Entergy's construction exemption subject to the completion of our environmental review of the proposal, AEC's intervention will not unduly disrupt the procedural schedule nor broaden the issues. Accordingly, the request to intervene will be granted.

It is ordered

1. AEC is granted leave to intervene in this proceeding.

2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary